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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,193	02/27/2002	Ryan S. Steelberg	24207-11488	8212

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MOUNTAIN VIEW, CA 94041

EXAMINER
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RAMPURIA, SHARAD K

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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12/12/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/086,193

Applicant(s)

STEELBERG ET AL.

Examiner

sharad rampuria

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 31-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 31-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

I. The Art Unit location of this application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

***Continued Examination under 37 CFR 1.114***

II. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/31/2007 has been entered.

III. The current office-action is in response to the Amendment - After Non-Final Rejection filed on 10/31/2007.

Accordingly, Claims 1-30 are cancelled, thus, Claims 31-50 are imminent for further assessment as follows:

***Claim Rejections - 35 USC § 103***

IV. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 31-36, 41-47 & 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tendler** [US 6778820], **Valentine et al.** [US 6011973] further in view of **Gimmon** [US 5096195 A].

As per claim 31, **Tendler** teaches:

A system for electronic gaming at locations remote from a gaming source authorized to host gaming services (Abstract), comprising:

A broadcast station (20; Fig.1) arranged to transmit game play signals in accordance with instructions from the gaming source; (18; Fig.1, Col.3; 32-38) and

The remote gaming device further having a location determination system arranged to determine a physical location of the remote gaming device, (Col.4; 38-55)

Wherein the remote gaming device is placed in an active condition for game play using the game play signals when the physical location of the remote gaming device is within the authorized gaming area. (Col.5; 11-24, Col.2; 51-Col.3; 5).

**Tendler** specifically doesn't teaches a remote gaming device having a memory arranged to store location data defining an authorized gaming area for the gaming source, wherein the remote gaming device, wherein the remote gaming device determines whether the physical location of the device is within the authorized gaming area as defined by the geographic delimiters. However, **Valentine** teaches in an analogous art, that a remote gaming device having a memory arranged to store location data defining an authorized gaming area for the gaming source, wherein the remote gaming device, wherein the remote gaming device determines whether the physical location of the device is within the authorized gaming area as defined by the geographic delimiters. (e.g. the operating the device based on authorized location in the memory of the device; Col.2; 50-67) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify **Tendler** including a remote gaming device having a memory arranged to store location data defining an authorized gaming area for the gaming source, wherein the remote gaming device, wherein the remote gaming device determines whether the physical location of the device is within the authorized gaming area as defined by the geographic delimiters in order to provide a method and apparatus for restricting operation of cellular telephones to well delineated geographical areas. (Col.1; 56-67)

The above combination doesn't teach specifically, wherein the remote gaming device stores a credit balance, the credit balance representing funds available for game play. However, **Gimmon** teaches in an analogous art, that wherein the remote gaming device stores a credit

balance, the credit balance representing funds available for game play. (e.g. the remote gaming device stores a credit balance; Col.3; 34-44, Col.4; 60-67) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the above combination including wherein the remote gaming device stores a credit balance, the credit balance representing funds available for game play in order to provide a new type of electronic gaming apparatus particularly useful for simulating the slot machine game.

As per claims 32-33, 44, 46, **Tendler** teaches all the particulars of the claim except wherein the geographic delimiters is provided to the remote gaming device in response to registration of the remote gaming device. However, **Valentine** teaches in an analogous art, that the system of claims 31, 42, 45, wherein the geographic delimiters is provided to the remote gaming device in response to registration of the remote gaming device. (e.g. the operating the device based on authorized location in the memory of the device; Col.2; 50-67)

As per claims 34, 49, **Tendler** teaches:

The system of claims 31, 45, the remote gaming device further comprising:

A receiver (80; Fig.1) arranged to receive the game play signals;

A processor (10; Fig.1) operatively connected to the receiver; and instructions, stored in memory and executable by the processor, arranged to cause graphical images depicting game play to be displayed on a display (10; Fig.1) of the remote gaming device. (Col.4; 38-55)

As per claim 35, **Tendler** teaches:

The system of claim 34, wherein the location determination system is operatively connected to the receiver. (14; Fig.2, Col.4; 38-55)

As per claims 36, 43, 47, **Tendler** teaches:

The system of claims 31, 42, 45, the remote gaming device further comprising:

A GPS device, wherein the location determination system is further arranged to determine the physical location of the remote gaming device based on an output of the GPS device. (14; Fig.2, Col.4; 38-55)

As per claim 41, **Tendler** teaches:

The system of claim 31, wherein the remote gaming device is arranged as a stand-alone purpose-built electronic gaming device. (10; Fig.1, Col.3; 32-37)

As per claim 42, **Tendler** teaches:

A method of facilitating electronic gaming at locations remote from a gaming source authorized to host gaming services (Abstract), comprising:

Activating a remote gaming device, wherein the activating includes; (Col.1; 66-Col.2; 10),  
and

Broadcasting to the remote gaming device game play signals in accordance with instructions from the gaming source, (18; Fig.1, Col.3; 32-38)

Wherein the remote gaming device is placed in an active condition for game play using the game play signals when a physical location of the remote gaming device is within the authorized gaming area. (Col.5; 11-24, Col.2; 51-Col.3; 5).

**Tendler** specifically doesn't teaches providing to the remote gaming device geographic delimiters defining an authorized gaming area for the gaming source wherein the remote gaming device determines whether the physical location of the device is within the authorized gaming area as defined by the geographic delimiters. However, **Valentine** teaches in an analogous art, that providing to the remote gaming device geographic delimiters defining an authorized gaming area for the gaming source wherein the remote gaming device determines whether the physical location of the device is within the authorized gaming area as defined by the geographic delimiters. (e.g. the operating the device based on authorized location in the memory of the device; Col.2; 50-67)

The above combination doesn't teach specifically, wherein the remote gaming device stores a credit balance, the credit balance representing funds available for game play. However, **Gimmon** teaches in an analogous art, that wherein the remote gaming device stores a credit balance, the credit balance representing funds available for game play. (e.g. the remote gaming device stores a credit balance; Col.3; 34-44, Col.4; 60-67)

As per claim 45, **Tendler** teaches:

A method of electronic game play at location remote from a gaming source authorized to host gaming services, comprising:

Defining an authorized gaming area for the gaming source; (Col.1; 66-Col.2; 10)



Determining with the remote gaming device a physical location of the remote gaming device; (Col.3; 46-62)

Receiving with the remote gaming device game play signals broadcasted in accordance with instructions from the gaming source; (18; Fig.1, Col.3; 32-38) and

Enabling game play using the game play signals when the physical location of the remote gaming device is within the authorized gaming area. (Col.5; 11-24, Col.2; 51-Col.3; 5).

**Tendler** specifically doesn't teaches storing with a remote gaming device geographic delimiters determines at the remote gaming device whether the physical location of the device is within the authorized gaming area as defined by the geographic delimiters. However, **Valentine** teaches in an analogous art, that storing with a remote gaming device geographic delimiters determines at the remote gaming device whether the physical location of the device is within the authorized gaming area as defined by the geographic delimiters. (e.g. the operating the device based on authorized location in the memory of the device; Col.2; 50-67)

The above combination doesn't teach specifically, wherein the remote gaming device stores a credit balance, the credit balance representing funds available for game play. However, **Gimmon** teaches in an analogous art, that wherein the remote gaming device stores a credit balance, the credit balance representing funds available for game play. (e.g. the remote gaming device stores a credit balance; Col.3; 34-44, Col.4; 60-67)

Claims 37-38 & 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Tendler** and **Valentine** in further view of **Clapper** [US 20020168967] *hereinafter* **Clapper**.

As per claims 37, 48, **Tendler** and **Valentine** teaches all the particulars of the claim except wherein the location determination system is further arranged to determine the physical location of the remote gaming device based on radio frequency triangulation telemetry tracking. However, **Clapper** teaches in an analogous art, that the system of claims 31, 45, wherein the location determination system is further arranged to determine the physical location of the remote gaming device based on radio frequency triangulation telemetry tracking. [Pg.2; 0022] Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify **Tendler** and **Valentine** including wherein the location determination system is further arranged to determine the physical location of the remote gaming device based on radio frequency triangulation telemetry tracking in order to provide a distinctive technology to locate a mobile device.

As per claim 38, **Tendler** and **Valentine** teaches all the particulars of the claim except wherein data for the radio frequency triangulation telemetry tracking is received from the broadcast station. However, **Clapper** teaches in an analogous art, that the system of claim 37, wherein data for the radio frequency triangulation telemetry tracking is received from the broadcast station. [Pg.2; 0022]

Claims 39, 50 rejected under 35 U.S.C. 103(a) as being unpatentable over **Tendler** and **Valentine** further in view of **Kotzin** [US 6470180] *hereinafter* **Kotzin**.

As per claims 39, 50, **Tendler** and **Valentine** teaches all the particulars of the claim except wherein the game play signals are broadcast on a band selected from the group consisting of an FM band, an AM band, a television band, a satellite band, and a cellular band.

However, Kotzin teaches in an analogous art, that the system of claims 31, wherein the game play signals are broadcast on a band selected from the group consisting of an FM band, an AM band, a television band, a satellite band, and a cellular band. (Col.3; 61-Col.4; 7)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify **Tendler** and **Valentine** including wherein the game play signals are broadcast on a band selected from the group consisting of an FM band, an AM band, a television band, a satellite band, and a cellular band in order to exploits a broadcast system to enhance a wireless gaming experience.

Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over **Tendler** and **Valentine** in view of **Thiriet** [US 20020168967] *hereinafter* **Thiriet**.

As per claim 40, **Tendler** and **Valentine** teaches all the particulars of the claim except wherein the remote gaming device is arranged as a smart card. However, **Thiriet** teaches in an analogous art, that the system of claim 31, wherein the remote gaming device is arranged as a smart card. (Col. 1; 55-64 & Col.2; 54-63) Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify **Tendler** and **Valentine** including the player device is configured as a smart card in order to provide the capabilities available in a SIM card for executing computer game programs.

***Response to Amendments & Arguments***

V. Applicant's arguments with respect to claims 31-50 have been fully considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

VI. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5 EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, George Eng can be reached on (571) 272-7495. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000 or

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Art Unit 2617